

REMARKS/ARGUMENTS

Claims 1-10 and 12-28 were pending at the time of the mailing of the Final Office Action. By this amendment, claims 13-15 have been cancelled. Claims 1-10, 12, and 16-24 have been amended.

In the Office Action of May 16, 2008, the Examiner objected to the claims because of certain informalities. Applicants have amended the claims to address this objection and respectfully request that it be withdrawn.

In the Office Action of May 16, 2008, the Examiner rejected claims 1-10, and 12-28 under 35 U.S.C. § 103(a) as being unpatentable over Guy et al. (US 5,334,164) in view of Stevens et al. (US 5,935,112).

Applicants have amended independent Claims 1 and 21 to recite in pertinent part a sealing assembly comprising a diaphragm and a tubular body comprising a single piece of a silicone rubber with a Shore hardness greater than 30 (emphasis added). Applicants note that these limitations were previously presented in Claims 13-15.

None of the prior art of record shows or suggests a sealing assembly comprising a diaphragm and a tubular body comprising a single piece of a silicone rubber with a Shore hardness greater than 30, as recited in independent Claims 1 and 21. Based upon the above, applicants believe that amended independent Claims 1 and 21, and thereby Claims 2-10, 12, 16, 18 and 20, and Claims 17, 19 and 22-28, respectively, are patentable over the art of record and respectfully request that the Examiner withdraw this rejection of the claims.

In the Office Action of May 16, 2008, the Examiner stated that Guy does not disclose that a diaphragm which at least partially closes at least one longitudinal end of the sealing element. The Examiner also stated that the only difference between the devices of Stevens and the Application is that the ring 170 and seal 44 are two separate pieces instead of a single piece as

Applicant claimed. The Examiner then concluded that it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the seal and diaphragm in single piece; and concluded that it would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the device of Guy with a diaphragm, as taught by Stevens, in order to seal between the proximal end of compressible seal.

Applicants note, however, that Guy is concerned with a valve assembly 7 that includes a flexible tubular member 9 that is rigidly attached to compartment 10, column 4 lines 51 to 55. Depending upon the amount of twisting of the tube 9, the seal may range from being open to being closed, column 5 lines 4 to 11. Applicants also note that Stevens is concerned with a valve assembly 20 that includes a compressible (emphasis added) seal 44 made of traditional rubber or electrical insulation, see the cross-hatching in Figs. 2-6 and MPEP 608.02 part IX. The compressible seal 44 deforms within a compression chamber 88 to vary the interior orifice size, column 9 lines 3-12. Further, ring 170 is part of slip ring 48 and not a fixed diagram, column 10 lines 46 to 49. The slip ring 48 is capable for rotating freely as to reduce rotation and twisting of the other parts, column 11 lines 22 to 29, and is allowed to slip relative to the shaft, column 12 lines 58 to 64. Additionally this slip ring is a synthetic resin or plastic, see the cross-hatching in Figs. 2-6 and MPEP 608.02 part IX.

Thus, first, Stevens actually teaches away from the single piece diaphragm and tubular body of one common material claimed. Second, the compressible seal 44 and/or the ring 170 of Stevens are not combinable with Guy as the seal in Guy is governed by twisting and in places fixed relative to the housing and the seal in Stevens is governed by compression and free relative to the housing. Additionally, even if the compressible seal 44 and/or the ring 170 of Stevens were combined with Guy the result would be a seal and a ring of two pieces from two separate materials such that the ring may freely rotate or move relative to the other parts, not resulting in a sealing assembly as presently claimed including a diaphragm and a tubular body comprising a single piece of a silicone rubber with a Shore hardness greater than 30.

Applicants believe that the present amendment presents the claims rejected in the previous Final Office Action in better form for consideration on appeal, should such an event occur. Thus, the applicant requests that the Examiner enter the present amendment in accordance with 37 CFR § 1.116. Further, in view of the amendments and above remarks, it is believed that the application is in condition for allowance. Accordingly, a Notice of Allowance is respectfully requested.

The outstanding communication was issued May 16, 2008. The Examiner set a period for reply of 3 months from the mailing date. No petition for an extension of time is believed to be required with the filing of this response. Nevertheless, the Applicants hereby make a conditional petition for an extension of time for response in the event that such a petition is required. No fees are believed to be due with this response. However, in the event that a fee for the filing of this response is insufficient, the Commissioner is authorized to charge any fee deficiency or to credit any overpayment to Deposit Account 15-0450.

Respectfully submitted,

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